

JS 44 (Rev. 9/74)

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CIVIL COVER SHEET

The JS Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

17-A-4233
17 4233(a) PLAINTIFFS
TIMOTHY LENNON AND KATTELIE SYLVESTRIE, H/W(b) County of Residence of First Listed Plaintiff BUCKS
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
SWARTZ CULLETON - BRANDON A. SWARTS - 215-550-6553
547 E. WASHINGTON AVENUE
NEWTOWN, PA 18940DEFENDANTS
ZBIGNIEW KWIELINSKI AND L U TRANSPORT INC

County of Residence of First Listed Defendant KINGS

(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF
Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Foreign Nation	<input type="checkbox"/> PTF <input type="checkbox"/> DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREIGN TRADE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
		<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 791 Employee Retirement Income Security Act		<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1332Brief description of cause:
MOTOR VEHICLE ACCIDENTVII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS: *Excess of \$17,000* CHECK YES only if demanded in complaint:
JURY DEMAND: Yes NoVIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBERDATE SIGNATURE OF ATTORNEY OF RECORD
09/19/2017

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

JP**JP**

UNITED STATES DISTRICT COURT

[Submit by Email](#)[Print Form](#)

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 72 TEMPERED OAK LANE, LEVITTOWN, PA 19054

37 4233

Address of Defendant: 148 FREEMAN STREET, APT. 3L, BROOKLYN, NY 11222Place of Accident, Incident or Transaction: FALLS TOWNSHIP, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No **RELATED CASE, IF ANY:**

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No **CIVIL: (Place ✓ in ONE CATEGORY ONLY)***A. Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations

7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)

7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 10/19/2015

78344

Attorney I.D.#

Attorney-at-Law

BRANDON A. SWARTZ

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/19/2015

78344

Attorney I.D.#

Attorney-at-Law

CIV. 609 (6/08)

SEP 21 2017

Submit by Email Print Form**JP**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

TIMOTHY LENNON AND
KATTELIE SYLVESTRIE, H/W
v.
ZBIGNIEW KWIELINSKI
L U TRANSPORT INC

:

:

:

CIVIL ACTION

17 4233

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks.

9/19/2017	Brandon A. Swartz	Plaintiff, TIMOTHY LENNON AND KAT
Date	Attorney-at-law	Attorney for
215-550-6553	215-550-6557	bswartz@swartzculleton.com

Telephone	FAX Number	E-Mail Address
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(Civ. 660) 10/02

Sept 21 2017

AK400
JP

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TIMOTHY LENNON AND :
KATTELIE SYLVESTRIE, H/W :
Plaintiffs, : CIVIL ACTION NO.
v. : : 17 4233
ZBIGNIEW KWIELINSKI :
and :
L U TRANSPORT INC :
Defendant. : JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT AND JURY DEMAND

I. PARTIES

1. Plaintiffs, Timothy Lennon and Kattelie Sylvestrie, h/w, are adult individuals and citizens of the Commonwealth of Pennsylvania, residing therein at 72 Tampered Oak Lane, Levittown, PA 19054.
2. Defendant, Zbigniew Kwielinski, is an adult individual and citizen of the State of New York, residing therein at 148 Freeman Street, Apt. 3L, Brooklyn, NY 11222.
3. Defendant, L U Transport Inc., was and is now a business entity, believed to be a business corporation, duly organized and existing under the law of the State of Illinois, with a principal place of business and corporate headquarters located at 2648 W. 50th Street, Chicago, IL 60632.

II. JURISDICTION AND VENUE

4. Jurisdiction is conferred upon this Court by virtue of the parties' diversity of citizenship pursuant to 28 U.S.C. § 1332.

5. The amount in controversy in this action is in excess of seventy-five thousand (\$75,000.00) dollars, exclusive of costs and fees.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the within claims occurred within the District.

III. STATEMENT OF CLAIMS

7. At all times material herein, Defendants, Zbigniew Kwielski and L U Transport Inc., owned, leased, possessed, maintained, inspected, controlled and/or operated a certain 2015 Volvo Semi-Trailer motor vehicle, Illinois license plate #P848647 and trailer tag #600120ST, which was involved in the motor vehicle accident hereinafter described.

8. On or about December 29, 2016, Plaintiff, Timothy Lennon, was operating a certain 2004 Chevrolet Malibu motor vehicle, Pennsylvania license plate #JXL4955, which was traveling southbound on US Route 13 near its intersection with US Route 1 in Falls Township, Pennsylvania, which was involved in the motor vehicle accident hereinafter described.

9. On or about December 29, 2016, Plaintiff Timothy Lennon was operating the aforesaid motor vehicle, which was lawfully traveling southbound on US route 13 near its intersection with US Route 1 in Falls Township, Pennsylvania, when, suddenly and without warning, the aforesaid vehicle, owned by Defendant L U Transport Inc. and operated by Defendant Zbigniew Kwielski, which was traveling northbound on US Route 1, disregarded a stop sign while attempting to enter the southbound travel lane of US Route 13, and struck the Plaintiff's vehicle with such force so as to cause Plaintiff to sustain severe and permanent injuries as described more fully hereinafter.

10. Upon information and belief, Defendant Zbigniew Kwielski received a traffic citation for careless driving as a result of the motor vehicle accident described herein due to his

violation of the Pennsylvania Vehicle Code.

11. The aforementioned motor vehicle accident was caused solely and exclusively by reason of the negligence, carelessness and recklessness of the Defendants and was due in no manner to any act or failure to act on the part of the Plaintiff.

COUNT I
TIMOTHY LENNON v. ZBIGNIEW KWIELINSKI
NEGLIGENCE

12. Plaintiffs hereby incorporate by reference paragraphs one (1) through eleven (11) of the within Complaint as though the same were fully set forth at length herein.

13. The aforesaid motor vehicle accident was caused solely by the carelessness and negligence of the Defendant, Zbigniew Kwielinski, which consisted of the following:

- (a) operating the aforesaid motor vehicle at a high and excessive rate of speed under the circumstances;
- (b) failing to have the aforesaid motor vehicle under proper and adequate control at the time of the motor vehicle accident described herein;
- (c) operating the aforesaid motor vehicle in an unsafe manner without due regard for the rights and safety of those lawfully upon the highway, one of whom was the Plaintiff, Timothy Lennon, more specifically disregarding a stop sign and striking the Plaintiff's vehicle, driving carelessly and driving too fast for the conditions of the roadway;
- (d) failing to give proper and sufficient warning of the approach of the aforesaid motor vehicle;
- (e) failing to maintain a proper lookout upon the highway;
- (f) failing to regard the point and position of the Plaintiff's vehicle upon the highway;
- (g) failing to properly determine the distance between the two vehicles so as to avoid a dangerous collision of the type that seriously injured the Plaintiff;
- (h) operating a motor vehicle with disregard for the safety of persons upon the highway;

- (i) failing to prevent the aforesaid motor vehicle from striking the Plaintiff's aforesaid vehicle; more specifically, disregarding a stop sign and striking the Plaintiff's vehicle, driving carelessly and driving too fast for the conditions of the roadway;
- (j) failing to keep the aforesaid vehicle in the proper lane of traffic;
- (k) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to driver hours;
- (l) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to the operation of the aforesaid semi-trailer;
- (m) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to driver qualifications;
- (n) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to the inspection of the aforesaid semi-trailer;
- (o) otherwise failing to exercise due and proper care under the circumstances; and
- (p) violating various ordinances and statutes pertaining to the operation of motor vehicles, including but not limited to Pennsylvania Vehicle Code section 3714.

14. By reason of the aforesaid negligence of the Defendant, Plaintiff, Timothy Lennon, has suffered severe and permanent injuries, including, but not limited to, lumbar sprain and strain, lumbar radiculopathy, post-lumbar laminectomy syndrome, disc protrusion at L4-L5, cervical disc bulges, cervical spondylosis, and cervical facet-mediated pain, as well as aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of which he has in the past and will in the future be unable to engage in his usual activities, all to his great detriment and loss.

15. As a further result of the motor vehicle accident described herein, Plaintiff has been or will be obliged to receive and undergo medical care and attention and to expend various sums

of money and to incur various expenses for the injuries which he suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

16. As a further result of the motor vehicle accident described herein, Plaintiff has suffered or may suffer a severe loss of his earnings and/or earning power, and he may incur such loss for an indefinite period in the future.

17. As a direct and reasonable result of the aforementioned motor vehicle accident, Plaintiff may hereafter incur other financial expenses or losses which do or may exceed the amounts which he may otherwise be entitled to recover under and pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. §1701 et. seq. as amended, for which he claims damages herein.

18. Further, by reason of the aforesaid occurrence, Plaintiff has incurred and/or may hereinafter incur other financial expenses all in an effort to treat and cure himself of the injuries sustained in the aforesaid accident.

19. As a further result of the motor vehicle accident described herein, Plaintiff has or may have suffered injuries resulting in the permanent loss of a use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable and severe.

20. As a further result of the motor vehicle accident described herein, Plaintiff has suffered a loss of the enjoyment of his usual duties, avocations, life's pleasures and activities, and the shortening of his life expectancy, all to his great detriment and loss.

21. As a further result of the aforesaid motor vehicle accident, Plaintiff has suffered great physical pain, suffering and mental anguish, all of which may continue into the future.

22. Plaintiff in no manner contributed to his injuries, which were the direct and proximate result of the Defendant's negligence and carelessness.

23. At all times relevant hereto, Plaintiff is and has been entitled to Full-Tort status under the Pennsylvania Motor Vehicle Code.

WHEREFORE, Plaintiff, Timothy Lennon, demands judgment against Defendant, Zbigniew Kwielski, in an amount in excess of One-Hundred-Fifty Thousand Dollars (\$150,000.00), together with any such other relief as the Court deems adequate, just and proper under the circumstances.

COUNT II
TIMOTHY LENNON v. L U TRANSPORT INC
NEGLIGENCE

24. Plaintiffs hereby incorporate by reference paragraphs one (1) through twenty-three (23) of the within Complaint as though the same were fully set forth at length herein.

25. The aforesaid motor vehicle accident was caused solely by the carelessness and negligence of the Defendant, L U Transport Inc., which consisted of the following:

- (a) operating the aforesaid motor vehicle at a high and excessive rate of speed under the circumstances;
- (b) failing to have the aforesaid motor vehicle under proper and adequate control at the time of the motor vehicle accident described herein;
- (c) operating the aforesaid motor vehicle in an unsafe manner without due regard for the rights and safety of those lawfully upon the highway, one of whom was the Plaintiff, Timothy Lennon, more specifically disregarding a stop sign and striking the Plaintiff's vehicle, driving carelessly and driving too fast for the conditions of the roadway;
- (d) failing to give proper and sufficient warning of the approach of the aforesaid motor vehicle;
- (e) failing to maintain a proper lookout upon the highway;

- (f) failing to regard the point and position of the Plaintiff's vehicle upon the highway;
- (g) failing to properly determine the distance between the two vehicles so as to avoid a dangerous collision of the type that seriously injured the Plaintiff;
- (h) operating a motor vehicle with disregard for the safety of persons upon the highway;
- (i) failing to prevent the aforesaid motor vehicle from striking the Plaintiff's aforesaid vehicle; more specifically, disregarding a stop sign and striking the Plaintiff's vehicle, driving carelessly and driving too fast for the conditions of the roadway;
- (j) failing to keep the aforesaid vehicle in the proper lane of traffic;
- (k) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to driver hours;
- (l) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to the operation of the aforesaid semi-trailer;
- (m) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to driver qualifications;
- (n) failing to follow the Code of Federal Regulations 49 C.F.R. *et seq.* with respect to the inspection of the aforesaid semi-trailer;
- (o) entrusting its aforesaid tractor-trailer to Defendant Zbigniew Kwielski;
- (p) failing to properly recognize prior accidents of its employees, such as Defendant Wheeler Brodie;
- (q) failing to properly hire employees qualified to drive commercial vehicles;
- (r) failing to properly train, monitor and supervise its employees;
- (s) failing to train employees on proper driving safety;
- (t) otherwise failing to exercise due and proper care under the circumstances; and
- (u) violating various ordinances and statutes pertaining to the operation of

motor vehicles, including but not limited to Pennsylvania Vehicle Code section 3714.

26. By reason of the aforesaid negligence of the Defendant, Plaintiff Timothy Lennon has suffered severe and permanent injuries, including, but not limited to, lumbar sprain and strain, lumbar radiculopathy, post-lumbar laminectomy syndrome, disc protrusion at L4-L5, cervical disc bulges, cervical spondylosis, and cervical facet-mediated pain, as well as aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of which he has in the past and will in the future be unable to engage in his usual activities, all to his great detriment and loss.

27. As a further result of the motor vehicle accident described herein, Plaintiff has been or will be obliged to receive and undergo medical care and attention and to expend various sums of money and to incur various expenses for the injuries which he suffered, and he may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

28. As a further result of the motor vehicle accident described herein, Plaintiff has suffered or may suffer a severe loss of his earnings and/or earning power, and he may incur such loss for an indefinite period in the future.

29. As a direct and reasonable result of the aforementioned motor vehicle accident, Plaintiff may hereafter incur other financial expenses or losses which do or may exceed the amounts which he may otherwise be entitled to recover under and pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. §1701 et. seq. as amended, for which he claims damages herein.

30. Further, by reason of the aforesaid occurrence, Plaintiff has incurred and/or may

hereinafter incur other financial expenses all in an effort to treat and cure himself of the injuries sustained in the aforesaid accident.

31. As a further result of the motor vehicle accident described herein, Plaintiff has or may have suffered injuries resulting in the permanent loss of a use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable and severe.

32. As a further result of the motor vehicle accident described herein, Plaintiff has suffered a loss of the enjoyment of his usual duties, avocations, life's pleasures and activities, and the shortening of his life expectancy, all to his great detriment and loss.

33. As a further result of the aforesaid motor vehicle accident, Plaintiff has suffered great physical pain, suffering and mental anguish, all of which may continue into the future.

34. Plaintiff in no manner contributed to his injuries, which were the direct and proximate result of the Defendant's negligence and carelessness.

35. At all times relevant hereto, Plaintiff is and has been entitled to Full-Tort status under the Pennsylvania Motor Vehicle Code.

WHEREFORE, Plaintiff, Timothy Lennon, demands judgment against Defendant, L U Transport Inc., in an amount in excess of One-Hundred-Fifty Thousand Dollars (\$150,000.00), together with any such other relief as the Court deems adequate, just and proper under the circumstances.

COUNT III
KATTELIE SYLVESTRIE v. ALL DEFENDANTS
LOSS OF CONSORTIUM

36. Plaintiffs hereby incorporate by reference paragraphs one (1) through thirty-five (35) of the within Complaint as though the same were fully set forth at length herein.

37. As a further result of the incident described herein, Plaintiff, Kattelie Sylvestrie, has suffered the loss of earnings, society, consortium and services of her husband, Plaintiff Timothy Lennon, to which she is legally entitled.

38. As a further result of the incident described herein, Plaintiff, Kattelie Sylvestrie, has been or will be obliged to expend various sums of money and to incur various expenses for the treatment of the injuries which her husband has suffered by reason of the Defendants' negligence, and she may be obliged to continue to expend such sum or incur such expenditures for an indefinite period of time.

WHEREFORE, Plaintiff, Kattelie Sylvestrie, demands judgment against all Defendants in an amount in excess of One-Hundred-Fifty Thousand Dollars (\$150,000.00), together with any such other relief as the Court deems adequate, just and proper under the circumstances.

JURY DEMAND

Plaintiffs demand a trial by jury on all claims.

Respectfully,

SWARTZ CULLETON PC

By: /s/Brandon A. Swartz
Brandon A. Swartz, Esquire
Bryan M. Ferris, Esquire
547 E. Washington Avenue
Newtown, PA 18940
T: 215-550-6553
F: 215-550-6557

*Attorneys for Plaintiffs,
Timothy Lennon and,
Kattelie Sylvestrie, h/w*

Date: September 19, 2017